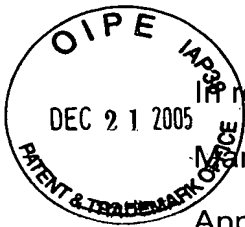


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

Maria DALKO et al.

Application No.: 10/076,418

Filed: February 19, 2002

For: COMPOSITION COMPRISING
VITAMIN C PREPARED DURING
APPLICATION, USE OF ENZYMES
FOR FORMING VITAMIN C FOR
TOPICAL USE, AND A COSMETIC
TREATMENT METHOD

) **MAIL STOP AMENDMENT**

) Group Art Unit: 1651

) Examiner: Ruth A. Davis

) Confirmation No.: 9294

REQUEST TO RESCIND PREMATURELY ISSUED OFFICIAL ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Official Action issued December 13, 2005 be rescinded because it was prematurely issued.

On October 13, 2005, applicants filed an RCE in this case. On page 2 of Applicant's Request for Continued Examination Transmittal Letter, part 7, applicants requested suspension of action by the Office until at least January 13, 2006, which does not exceed three months from the filing date of the RCE, in accord with 37 C.F.R. §1.103(c). The required fee under 37 C.F.R. §1.17(i) was paid. Copies of the Request for Continued Examination Transmittal Letter, applicants' return postcard and cancelled check showing payment of the RCE fee (\$790) and the fee for suspension of action (\$130) and the fee for one month extension of time (\$120), totaling \$1,040.00, are attached.

Applicants are preparing at least an Information Disclosure Statement to be filed on or before January 13, 2005, thus it is necessary that the Action be rescinded

and that a new action issue dates taking into consideration the forthcoming Information Disclosure Statement. If the Action were not rescinded, applicants would then need to pay a fee to have the art considered after already paying for the three month suspension of action; further, an action could be made final if based on such art. Applicants paid for a three month suspension of action to avoid such eventualities. Applicants' rights will be violated unless the December 13, 2005 Official Action is rescinded or withdrawn.

Accordingly, applicants request that the Official Action be rescinded or withdrawn as soon as possible and that applicants be advised accordingly, so that the Information Disclosure Statement can be filed prior to issuance of an Official Action herein.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: December 21, 2005

By: Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

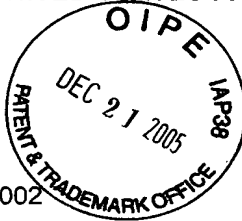
In re Patent Application of

Maria DALKO et al.

Application No.: 10/076,418

Filing Date: February 19, 2002

Title: COMPOSITION COMPRISING VITAMIN C PREPARED DURING APPLICATION, USE OF ENZYMES FOR FORMING VITAMIN C FOR TOPICAL USE, AND A COSMETIC TREATMENT METHOD



MAIL STOP RCE

Group Art Unit: 1651

Examiner: Ruth A. Davis

Confirmation No.: 9294

REQUEST FOR CONTINUED EXAMINATION
TRANSMITTAL LETTER

COPY

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer Number 21839

Sir:

Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the

☐ \$395.00 (2801) ☒ \$790.00 (1801) fee due under 37 C.F.R. § 1.17(e).

1. ☐ A. Applicant(s) requests that any previously unentered after final amendments not be entered.
Continued examination is requested based on the enclosed documents identified in item 2 below.

☒ B. Applicant(s) previously submitted the following documents for which continued examination is requested:

☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on July 13, 2005

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

☐ Other: _____

2. The following documents are enclosed with this submission:

☐ Amendment/Reply.

☐ Affidavit(s)/Declaration(s).

☒ Information Disclosure Statement (IDS).

☒ A Petition for Extension of Time.

☒ Other: PTO Form-1449 and (3) cited references and Letter requesting correction of attorney docket number.

DOCKETED
filed 10-13-05 JD

Buchanan Ingersoll PC

ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

Page 1 of 2
(8/05)

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Attorney Docket No. 034459-003Application No. 10/076,418

3. ☐ Small entity status is hereby claimed.
☒ No additional claim fee is required.
☐ The fee is calculated below on the basis of the highest number of claims already paid for in this application prior to this submission:

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Examination Fee (1801)					\$ 790.00
Total Claims	17	MINUS 34 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	6	MINUS 6 =	0	x \$200.00 (1201) =	\$ 0.00
If multiple dependent claims are presented, add \$360.00 (1203)					
Total Fee					\$ 790.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 0.00
TOTAL FEE DUE					\$ 790.00

4. ☒ A check in the amount of \$ 920.00 is enclosed for the fee due.
5. ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
6. ☐ Charge _____ to credit card. Form PTO-2038 is attached.
7. ☒ Applicant(s) requests suspension of action by the Office until at least January 13, 2006, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BUCHANAN INGERSOLL PC

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By Mary Katherine Baumeister
Mary Katherine Baumeister
Registration No. 26,254

Filed: October 13, 2005

COPY



Patent Response Postcard

Inventor: Maria DALKO et al.

Appln. No.: 10/076,418

Filing

Date: February 19, 2002

Docket No.: 034459-003

Working Atty.: MKB:lm

Date: October 13, 2005

Dkt. Clerk Initials

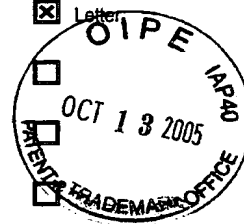


The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☐ Amendment or Response
- ☐ Preliminary Amendment
- ☐ Amendment/Reply Transmittal Letter
- ☒ Petition for 1 Month Extension of Time
- ☐ Submission of Formal Drawings w/ _____ sheet(s) of drawings (Fig(s). 1- _____)
- ☐ Request for Approval of Drawing Changes w/ _____ sheet(s) of red ink drawings
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐ Request for Oral Hearing
- ☐ Reply Brief
- ☐ Response to Restriction Requirement or Election of Species
- ☐ Terminal Disclaimer
- ☐ Certificate Under 37 C.F.R. 3.73(b)
- ☐ Transmittal Letter for Missing Parts of Application

- ☐ Executed Declaration/Power of Attorney
- ☐ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- ☐ Submission of Certified Copy of Priority Document w/ _____ certified copy(ies)
- ☐ Information Disclosure Statement Transmittal
- ☒ Information Disclosure Citation (PTO-1449)
- ☒ Information Disclosure Statement w/ 3 document(s)
- ☐ Request for Corrected Notice of Recordation of Assignment w/Copy of Notice
- ☒ Request for Continued Examination
- ☐ Issue Fee Transmittal
- ☐ Status Inquiry
- ☐ Submission of Corrected Drawings
- ☐ Payment of Issue Fee and Authorization to charge Deposit Account
- ☐ Request for Refund

- ☐ Request for Corrected Filing Receipt w/copy of Official Filing Receipt
- ☐ Supplemental Application Data Sheet
- ☐ Substitute Specification (clean/marked copies)
- ☒ Check for \$ 1,040.00 is enclosed
- ☐ Check for \$ _____ is enclosed
- ☐ Charge \$ _____ to Deposit Account
- ☐ Charge \$ _____ to credit card. Form PTO-2038 is attached.
- ☐ Filed by Certificate of Mail
- ☒ Letter



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